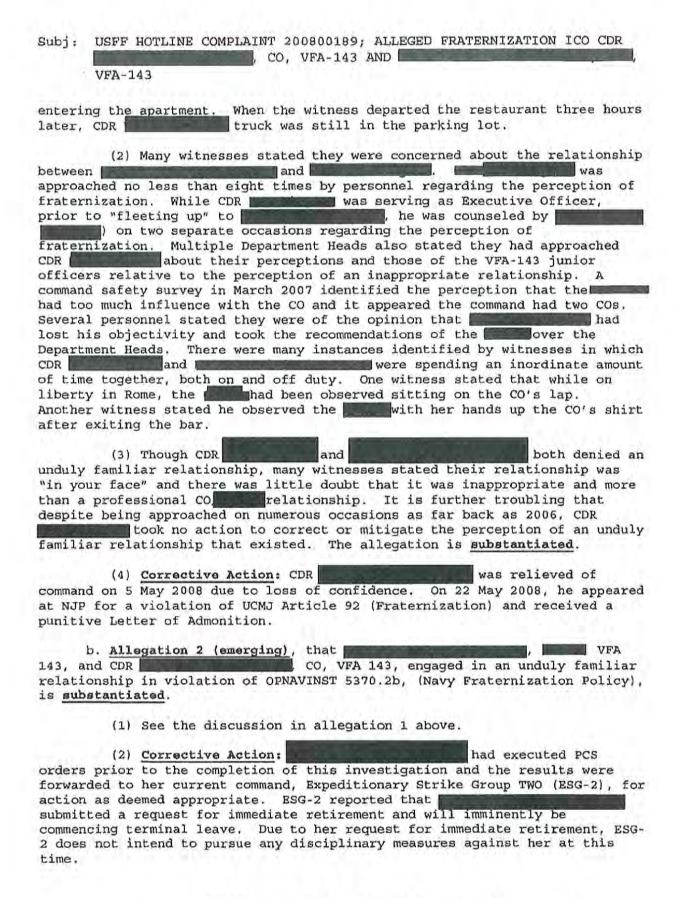
MEMORANDUM TO THE INSPECTOR GENERAL

From: To:	NO2IG1 NO2IG &Z 12 YAWY
Subj :	USFF HOTLINE COMPLAINT 200800189; ALLEGED FRATERNIZATION ICO VFA-143 AND VFA-143
Ref:	(a) USFF Hotline complaint of 13 FEB 08 (b) Memo to Inspector General of 23 Jun 08 (c) E-mails from CNAL (and and of 2 Oct 08 (d) USFF ltr 5041 Ser N02IG12/115 of 27 Oct 08 (e) CNAL ltr 5800 Ser N01L/237 of 1 Dec 08
Encl:	(1) CNAL ltr 5041 Ser N01IG/17 of 9 Jun 08
	eference (a) was an anonymous complaint received telephonically via the Motline alleging that CDR [(CO, VFA-143) and [(CO, VFA-143) and [(CO, VFA-143) were fraternizing with each other.
inquir addres other recommender Comman Advoca emerging revers been particularly	eference (b) was prepared to endorse and document the completion of cy and corrective action provided by enclosure (1). Enclosure (1) seed a single allegation, but also identified substandard conduct by members in the chain of command for which corrective action was mended and taken. Accordingly, reference (b) addressed the additional cs' wrongdoing in emerging allegations. Through reference (c), the older Naval Air Force Atlantic (CNAL) Inspector General and Staff Judge at articulated disagreement with the substantiation of two of the ling allegations. Reference (d) requested CNAL provide justification for sal of the findings. Reference (e) provided the CNAL rationale that had previously discussed and agreed upon by all concerned. Accordingly, the antiated allegation addressed in enclosure (1) and the additional ing allegations are discussed as follows:
	a. Allegation 1, that , engaged in an unduly familiar ionship, in violation of OPNAVINST 5370.2b, (Navy Fraternization y), is substantiated.
unduly frate: parki: dress	(1) There was convincing testimony from multiple witnesses that lished and were engaged in an were engaged in an any familiar relationship that constituted violation of the Navy rnization policy. Particularly alarming was the testimony that CDR was observed as he parked his truck in a Norfolk restaurant and lot and proceeded across the street to an apartment occupied by The witness stated was sitting on a banister and "a pink tank top" and that dup to the front door where hugged him prior to the two

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VFA-143 (CO, VFA-143 AND VFA-143
c. Allegation 3 (emerging), that failed to take action after being notified of potential fraternization by CDR and in violation of Navy Regulations, Chapter 11, Article 1137 (Obligation to Report Offenses), is unsubstantiated.
reported to VFA-143 as Executive Officer on 1 February 2008. When interviewed, he stated he was aware of the rumor of fraternization between the CO and Infact, he had heard the rumor from an officer in another squadron. When asked if he had discussed the rumor with CDR he stated he had not. had an obligation as a Naval Officer to report offenses that he had observed. In this case had been aboard the command for less than one month, and though he had heard rumors, he had not observed misconduct relative to this matter. As a result, the elements required for violation of Navy Regulations were not met; the finding of reference (b) is reversed; and the allegation is unsubstantiated. The chain of command was disappointed that did not discuss the rumors he had heard with CDR and for this lapse in judgment he was counseled by Commander, Carrier Air Wing SEVEN.
d. Allegation 4 (emerging), that, COMCARAIRWING SEVEN, failed to notify the chain of command after receiving a report of the perception of an unduly familiar relationship between CDR and in violation of Navy Regulations, Chapter 11, Article 1137 (Obligation to Report Offenses), is unsubstantiated.
(1) received a comment regarding the perception of an unduly familiar relationship from a Chief Petty Officer assigned to the ship. Though he related the comment to CDR, he failed to address the issue with Commander Carrier Air Wing SEVEN or his Deputy. As discussed above in Allegation 3, was aware of a comment and had not observed misconduct relative to this matter. Accordingly, the elements required for violation of Navy Regulations were not met; the finding of reference (b) is reversed; and the allegation is unsubstantiated. The chain of command was disappointed that did not discuss the comments he had heard with or the Commander or Chief of Staff at Carrier Air Wing SEVEN, and for this lapse in judgment he was counseled by Commander, Carrier Air Wing SEVEN.
 Corrective action has been completed. Recommend this case be closed as <u>SUBSTANTIATED</u>, with no further action required.
(b)(6)

Subj: USFF HOTLINE COMPLAINT 200800189; ALLEGED FRATERNIZATION ICO CDR

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DEPARTMENT OF THE NAVY

COMMANDER NAVAL AIR FORCE ATLANTIC 1279 FRANKLIN ST NORFOLK, VIRGINIA 23511-2494

> 5041 Ser N01IG/17 9 Jun 08

From: To:	Commander, Naval Air Force Atlantic Commander, U.S. Fleet Forces Command
Subj:	NAVY HOTLINE COMPLAINT 200800189; ALLEGED FRATERNIZATION ICO CO, VFA 143 AND VFA 143
Ref:	(a) USCFFC ltr 5041 Ser N02IG11/027 dtd 10 Mar 08 (b) SECNAVINST 5370.5B (c) NAVINSGEN Investigations Manual (July 1995) (d) COMNAVAIRLANT ltr 5041 Ser N01IG/11 dtd 16 Apr 08 (e) COMCARAIRWING SEVEN ltr 5041 Ser 00/069 dtd 3 Jun 08 (f) E-mail btwn, ESG2 COS and
Encl:	(1) Hotline Completion Report dtd 10 Apr 08(2) COMNAVAIRLANT FJA Legal Review dtd 14 Apr 08
1. Reference (a) forwarded subject allegations for investigation in accordance with references (b) and (c). Enclosure (1) forwards the COMNAVAIRLANT Inspector General Hotline Completion Report substantiating the allegation of fraternization between CO, VFA 143 and Enclosure (2) forwards the required legal review in accordance with reference (b).	
Air Wir the cas COMCARA substar	Terence (d) forwarded enclosure (1) to Commander, Carrier ag SEVEN (COMCARAIRWING SEVEN) for corrective action in see of and and allowed and allowed and allowed action of fraternization between and and allowed actions, as follows:

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loss of confidence. On 22 May 2008 he appeared at NonJudicial Punishment for a violation of UCMJ Article 92 and was awarded a letter of admonishment. He is temporarily assigned to Commander,

Strike Fighter Wing Atlantic while awaiting administrative

completion of "detach for cause" paperwork.

was relieved of command on 5 May 2008 for

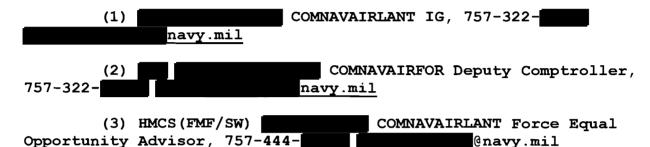
Subj: NAVY HOTLINE COMPLAINT 200800189; ALLEGED FRATERNIZATION
ICO CO, VFA 143 AND VFA 143

- b. COMCARAIRWING SEVEN counseled , the Executive Officer of VFA 143 and , of COMCARAIRWING SEVEN for failing to notify their chain of command of information regarding indications of potential fraternization.
- c. executed Permanent Change of Station (PCS) orders to Expeditionary Strike Group TWO (ESG TWO) prior to COMCARAIRWING SEVEN's receipt of reference (d). As a result, COMCARAIRWING SEVEN forwarded a copy of the command investigation to ESG TWO for action as deemed appropriate.
- 3. Reference (f) documented ESG-2 took appropriate administrative action in the case of She has submitted a request for immediate retirement.
- 4. All parties have been held accountable. Accordingly, COMNAVAIRLANT recommends this case be closed as substantiated.

JOHN W. GOODWIN

DOD/NAVY HOTLINE COMPLETION REPORT 10 APRIL 2008

- 1. Investigators and Identifying Information and Location of Working Papers
 - a. Investigators and Identifying Information.



b. Location of working papers.

Commander Naval Air Force Atlantic 1279 Franklin Street Norfolk, VA 23511-2494

- 2. Background and Summary
 - a. Hotline Control #s and Origin of Complaint.
 - (1) NAVY 200800189
 - (2) Anonymous phone call
- b. Summary of Complaint. On 13 February 08, the COMNAVAIRLANT IG was notified of an incoming hotline case alleging CO, VFA 143 was fraternizing with VFA 143. An anonymous complainant alleged the fraternization began when was the XO and has continued.
- c. Summary of outcome of investigation. A hotline investigation was conducted at Carrier Air Wing 7, Oceana Naval Air Station, Virginia Beach, VA, during the period 26 March 08 1 April 08. A total of 30 witnesses were interviewed. The investigators substantiated the allegation of fraternization between based on a preponderance of the testimony of witnesses that a perception of fraternization between the CO and exists within VFA 143.

3. First allegation. That CO, VFA 143, and CO, WFA 143, and CO, WFA 143, and CO, WFA 143, are engaged in an unduly familiar relationship in violation of OPNAVINST 5370.2B, Navy Fraternization Policy.

FINDING: SUBSTANTIATED

a. Facts

- (1) OPNAVINST 5370.2B establishes policy with regard to fraternization and personal relationships and states:
- (a) "Personal relationships between officer and enlisted members which are unduly familiar and do not respect differences in rank and grade are prohibited and violate long-standing custom and tradition of the naval service."
- (b) ... "unduly familiar personal relationships between officers and enlisted members have traditionally been contrary to naval custom, because they undermine the respect for authority which is essential to the Navy's ability to accomplish its military mission."
- (c) "Personal relationships between officer and enlisted members which are unduly familiar and that do not respect differences in grade or rank are prohibited. Such relationships are prejudicial to good order and discipline and violate long-standing traditions of the naval service."
- (d) "Prejudice to good order and discipline and discredit to the naval service may occur when the degree of familiarity between a senior and a junior in grade or rank is such that the senior's objectivity is called into question. This loss of objectivity by the senior may result in actual or apparent preferential treatment of the junior, and use of the senior's position for the private gain of either the senior or junior member. The actual or apparent loss of objectivity by a senior may result in the perception in which the senior is no longer capable or willing to exercise fairness and make judgments on the basis of merit. Unduly familiar relationship that so undermines the leadership authority of a senior or that compromised the chain of command (i.e., where there is a direct senior-subordinate relationship) is inappropriate and prohibited."
- (e) "The responsibility for preventing inappropriate relationships must rest primarily on the senior. While the senior party is expected to control and preclude the development

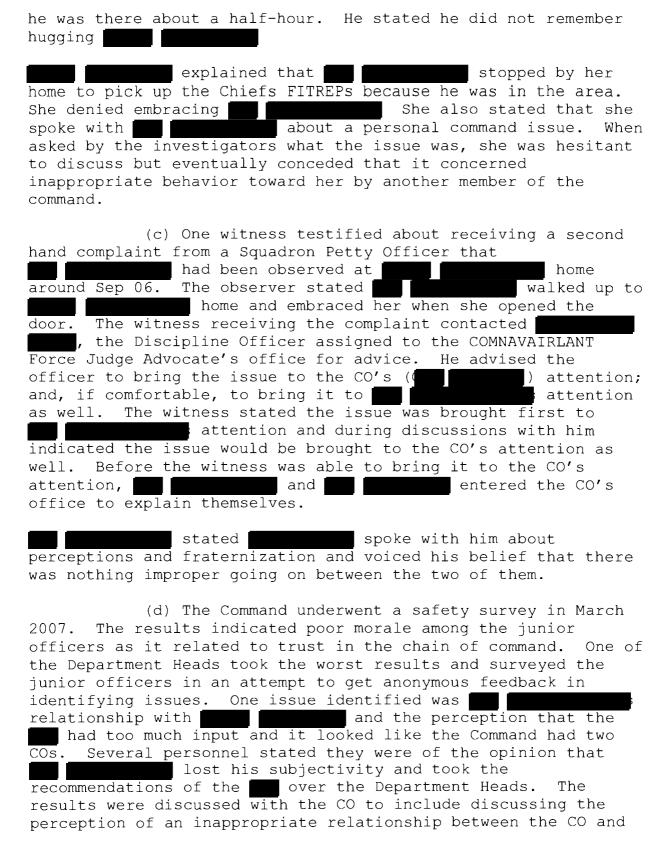
of inappropriate relationships, this policy is applicable to both members and both are accountable for their own conduct.

- (2) served as the Executive Officer, VFA 143 from Jun 04 to Oct 05 and as Commanding Officer, VFA 143 from Oct 05 to Feb 07.
- (3) served as the Executive Officer, VFA 143 and assumed Command of VFA 143 in Feb 07.
- (4) Was assigned as the VFA 143 and reported Sep 05.
- $\,$ (5) VFA 143 was embarked on USS EISENHOWER (CVN 69) during the periods 12 Apr 10 May 06 and 3 Oct 06 thru 23 May 07.
- (6) VFA 143 was without an assigned XO during the period 29 Nov 07 31 Jan 08, a period of two months.

b. Analysis/Discussion/Conclusion.

- (1) Interviews provided the following information:
- (a) One witness began to question the relationship between and and during the ship's COMPTUEX from 12 Apr 10 May 06 after noticing them together every day and while on liberty. In addition, he stated he was confronted by personnel from other Squadrons regarding a perception of fraternization.
- (b) One witness observed pull into a Norfolk Restaurant parking lot, park his truck, and proceed across the street to an apartment occupied by in the Aug 06 timeframe at about 1100. The witness stated was sitting on a banister dressed in "short shorts" and a "pink tank top." The witness observed walk up to the front door where hugged him prior to the two of them entering the apartment. When the witness departed the restaurant at about 1400, truck was still parked in the parking lot; a timeframe of three hours.

stated he did go to home to pick up the Chief FITREPs from her. He stated while there, she spoke to him about a command issue that was personal. He noted

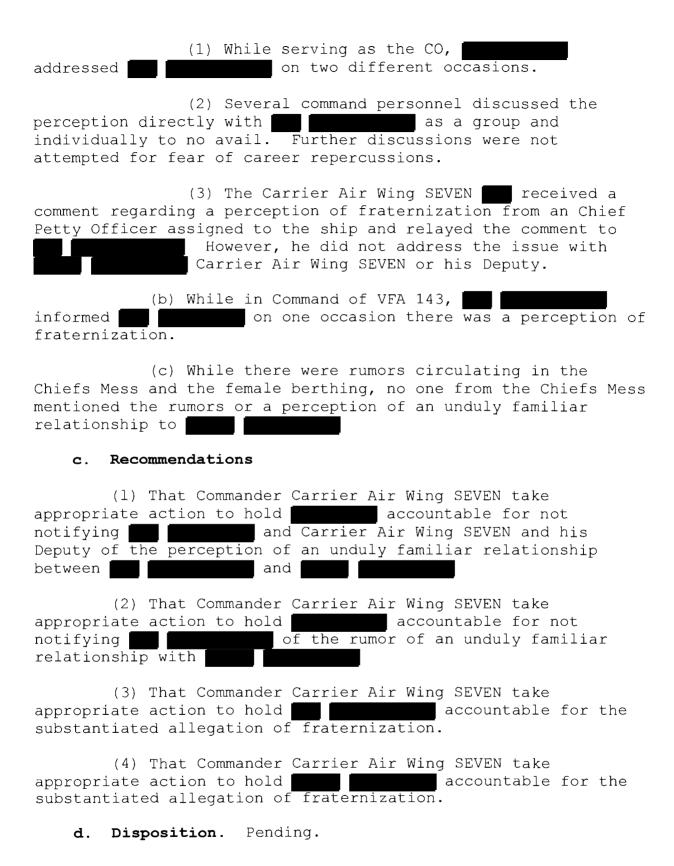


"overshadowed everything on the safety survey". (e) Several Department Heads stated they spoke directly with about their perception and the perception of the junior officers that he was having an unduly told them he would change the perception but no one interviewed could attest to any changes. When questioned, stated he was approached by his Department Heads about the perception of an inappropriate relationship but that he denied there was anything inappropriate and therefore that he didn't need make any changes. also indicated that , Carrier Air Wing 7 spoke with him after the cruise regarding rumors of a perception. denied any knowledge of rumors or perceptions of an unduly familiar relationship between and until notified of the hotline complaint in late March 2008. (f) Witnesses commented about the time and spent together. For example, the comment mentioned the most was the fact that the two PT together constantly, while on cruise (at all hours) and after cruise. It was noted that the two were on liberty together although sometimes other officers or Chief Petty Officers accompanied them. Additionally, it was commented that frequented the Ready Room for what appeared to be social interaction with the CO. stated that he and the did run together and that it was one of the ways they discussed squadron issues. stated they did go on With regard to liberty, liberty together and were with other people with the exception of one time when the two of them went to shoot skeet. and both explained their presence in the Ready Room as a way for the two of them to discuss Squadron issues without being in his Stateroom or her office which was shared with seven other (g) One witness testified that while in port in Rome, the was observed in a bar on the CO's lap and he had his arms wrapped around her. Another witness testified he observed the with her hands up the CO's shirt after exiting the bar.

One witness commented that the relationship issue

both denied witness and testimony of inappropriate conduct. (h) Another witness stated he witnessed a flirtatious exchange between the CO and about who performed better on their individual PRT. (i) There were rumors of being seen keying into the CO's stateroom. The explanation offered by both and was that the CO was TAD off the ship and left his key with the so she could have access to the POTS telephone line. (j) Several witnesses expressed dismay that the did not execute previously received orders. They noted her relief was on board and one day "mysteriously disappeared" and the stayed. The explanation offered by both was that was in receipt of orders; her relief was on board when her Detailer called her and advised that the Admiral assigned to ESG2 was requesting her as explained her desire not to report while the command was at sea due to her husband's recent diagnosis with brain cancer. As a result, accepted the orders to ESG2 and extended at VFA 143 and her relief took the orders she had in hand. (k) One witness stated he was on cruise at the same time but with a different Squadron and heard rumors of an unduly familiar relationship between and The individual noted the perception with the officers was that the relationship between the two was not only unduly familiar but physical as well. The individual expressed concern from a safety stand point that the relationship issue "does not make for a great environment." (1) Several witnesses stated the relationship between the CO and had an "in your face dynamic". Additionally, several witnesses stated the two spent a "significant amount of time together" in comparison to other CO/ relationships they had observed. (m) One witness commented that while in port, the CO had been issued an international cell phone and when trying to reach the CO the answered the phone.

(n) Several witnesses commented on the body language between the CO and (o) Several witnesses, on their first tour, first cruise commented that while they heard rumors, they did not see anything that led them to question the relationship between the CO and (p) A few witnesses expressed their opinion that if were male, the observations would be less critical. (q) Several witnesses expressed anger, frustration, and a lack of respect for for for not taking appropriate action when the issue of fraternization was first brought to his attention in the fall of 2006. (r)of VFA 143 reported on board on 1 Feb 08. When interviewed he stated he was aware of a rumor of fraternization between the CO and and heard of the rumor from an officer in another squadron. When asked if he mentioned the rumor to he stated he did not; that rumors ruin careers and marriages and he intended to sit back and make his own observations and if he had concerns he would address the CO at that time. (s) the Deputy Commander Carrier Air Wing 7 stated he had no knowledge of any rumors or a perception of fraternization involving and He spoke highly of integrity and accomplishments as CO of VFA 143. (t) Commander Carrier Air Wing 7 stated he had no knowledge of any rumors or a perception of fraternization involving and He too spoke highly of both individuals and noted how, as a team they had brought the Squadron a long way and were just short of being the Carrier Air Wing nominee for the Battle "E". added that was his #1 Squadron CO and that was his #1 Squadron (2) While analyzing the information provided and in an effort to determine systemic weaknesses, the investigators concluded the following: (a) was approached approximately eight times by personnel regarding the perception of fraternization.



4. Interviews and Documents

a. Interviews conducted.

- (1) CO, VFA 143 was interviewed in person.
- (2) VFA 143 was interviewed in person.
- (3) the former CO, VFA 143, was interviewed in person.
- (4) the former XO, VFA 143, was interviewed telephonically.
- (5) Commander Carrier Air Wing 7 was interviewed in person.
- (6) Deputy Commander Carrier Air Wing 7 was interviewed in person.
- (7) Commander Master Chief, Commander Carrier Air Wing 7 was interviewed in person.
- (8) An additional 25 members and former members of VFA 143 were interviewed in connection with this investigation. It is noted that the interviewees were extremely uncomfortable having to provide testimony in relation to their Commanding Officer and Accordingly, to protect their identity, the specific names of the majority of the individuals interviewed are held by the COMNAVAIRLANT Inspector General.

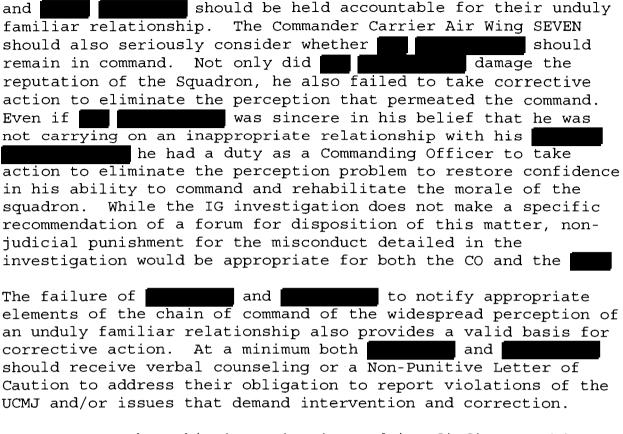
b. Documents reviewed.

- (1) OPNAVINST 5370.2B
- (2) VFA 143 ODCR

Force Judge Advocate, Naval Air Force Atlantic From: Commander, Naval Air Force Atlantic To: Inspector General, Naval Air Force Atlantic Via: Subj: LEGAL REVIEW OF COMNAVAIRLANT INSPECTOR GENERAL INVESTIGATION 200800189; COMPLAINTS IN THE MATTER OF USN, AND (a) COMNAVAIRLANT IG Report of 10 Apr 08 Ref: (b) SECNAVINST 5370.5B Reference (a) has been received and reviewed for legal sufficiency in accordance with reference (b). This investigation centers on alleged leadership failures, improper personal relations, and potential command degradation through the actions of Commanding Officer, VFA-143 and his Specific information is provided below: (a) **ALLEGATION 1**: That 143, and VFA-143, are engaged in an unduly familiar relationship in violation of OPNAVINST 5370.2B, Navy Fraternization Policy. IG FINDING: SUBSTANTIATED Legal Review: Concur. It is clear from the IG investigation

that and were engaged in a long-term relationship that was unduly familiar. The investigation references a number of witnesses who directly observed behavior that would properly be characterized as fraternization. While and offer innocent explanations or outright denials, the number of directly observed incidents would lead a reasonable person to conclude that the two were engaged in an unduly familiar relationship. Additionally, the fact that was approached on many occasions concerning the perception of fraternization and that he did nothing to address it strongly calls into question his ability to command. The record indicates that he was on notice of a perception of fraternization as far back as 2006.

The four recommendations for corrective action by the IG are appropriate and supported by the investigation.



2. I concur that this investigation and its findings, subject to the above, be forwarded to Commander, Naval Air Force Atlantic, for review and formal action consistent with the recommendations as noted.

Very Respectfully,